IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL BRIEF FOR THE APPELLANT

Ex parte Michael SEE

NETWORK RESOURCE MANAGEMENT IN A NETWORK DEVICE

Serial No. 10/603,918
Appeal No.:
Group Art Unit: 2445

Enclosed is a credit card authorization form authorizing the amount of Five Hundred Forty Dollars ($540.00) to cover the official fee for this Appeal Brief.

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In re the Appellant:

Michael See	Appeal No.:
Serial Number: 10/603,918	Group Art Unit: 2445
Filed: June 25, 2003	Examiner: Tanim M. Hossain

For: NETWORK RESOURCE MANAGEMENT IN A NETWORK DEVICE

BRIEF ON APPEAL

June 2, 2011

I. INTRODUCTION

This is an appeal from the final rejection set forth in an Official Action dated March 17, 2011, finally rejecting claims 1-25, all of the claims pending in this application, as being unpatentable over Davies (U.S. Patent Publication No. 2002/0059407) in view of Hermann (U.S. Patent Publication No. 2001/0032259) and further in view of Motoyama (U.S. Patent Publication No. 2004/0049552). A Notice of Appeal is timely filed on May 30, 2011. This Appeal Brief is being timely filed.

II. REAL PARTY IN INTEREST

The real party in interest in this application is Michael See (the inventor), as evidenced by the original filling papers submitted on June 25, 2003.

III. STATEMENT OF RELATED APPEALS AND INTERFERENCES – 37 CFR 41.37(c)(1)(ii)

There are no known related applications, patents, appeals, judicial proceedings, and/or interferences which will directly effect or be directly effected by or have a bearing on the Board's decision in this appeal.

IV. STATUS OF CLAIMS

Claims 1-25, all of the claims pending in the present application, are the subject of this appeal. See Section VII ("Grounds of Rejection") below, for a detailed listing of the various grounds of rejection.

V. STATUS OF AMENDMENTS

All of claims 1-25 stand as they were previously presented prior to the Final Office Action of March 17, 2011. No amendments have been submitted or entered since that time. Thus, claims 1-25 are pending and the respective rejections of claims 1-25 are appealed.

VI. SUMMARY OF CLAIMED SUBJECT MATTER

The following is a concise explanation of the subject matter defined in each of the independent claims and the separately argued dependent claims, as required by 37 CFR 41.37(c)(1)(v).

Claim 1, upon which claims 2-13 are dependent, recites a method of managing one or more local resource properties, each having a value, by one or more managed network devices in a network comprising a network management system and a central data store (See, *for example*, page 8, lines 3-5). The method includes monitoring the value of said one or more local resource properties (See, *for example*, page 9, lines 10-15). The method also includes querying the local resource properties, determining a state, value and quality of the local resource properties and assessing a priority of the local resource properties (See, *for example*, page 9, lines 20-25), generating a learning event report comprising the value and a priority test of the learning event of at least one of the one or more local resource properties, and transmitting the learning event report to the central data store (See, *for example*, page 12, lines 2-9). The value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing (See, *for example*, page 12, lines 15-18). The value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system (See, *for example*, page 13, lines 2-4 and 25-30). A frequency

of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report (See, *for example*, page 12, lines 2-14).

Claim 14, upon which claims 15-20 are dependent, recites a managed network device characterized by one or more local resource properties, the managed network device being operatively connected to a network comprising a network management system, one or more managed network devices, and a central data store (See, *for example*, FIG. 2, 202-204 and 208). The device includes a local resource processor for performing certain operations (See, *for example*, FIG. 2, 210, and 211). The operations may include monitoring the value of one or more local resource properties (See, *for example*, page 9, lines 10-15). Other operations include detecting a change to the one or more local resource properties, querying the local resource properties, determining a state, value and quality of the local resource properties and assessing a priority of the local resource properties (See, *for example*, page 9, lines 20-25). Other operations include generating one or more learning event reports, each learning event report comprising the value of one or more local resource properties, and transmitting the one or more learning event reports to the central data store (See, *for example*, page 12, lines 2-9). The value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing (See, *for example*, page 12, lines 15-18). The value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system (See, *for example*, page 13,

lines 2-4 and 25-30). A frequency of uploading the one or more learning event reports is determined based on a priority of each of one or more learning events associated with the one or more learning event reports (See, *for example*, page 12, lines 2-14).

Claim 21, upon which claims 22-24 are dependent, recites an asynchronous network resource management system. The system includes at least one central data store, one or more local resource properties, each having a value and a plurality of managed network devices (See, *for example*, FIG. 2, 202-204 and 208). The managed network devices are adapted to monitor the value of each of the one or more local resource properties, query the local resource properties, determine a state, the value and quality of the local resource properties and assess a priority of the local resource properties (See, *for example*, page 9, lines 10-25). The managed network devices are also configured to transmit the value of each of the one or more local resource properties to the at least one central data store (See, *for example*, page 12, lines 2-9). The system also includes at least one network management system adapted to retrieve the value of each of the one or more local resource properties from the at least one central data store (See, *for example*, page 5, lines 20-25). The value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system (See, *for example*, page 13, lines 2-4 and 25-30). A frequency of uploading the one or more learning event reports is determined based on a priority of each of one or more learning events associated with the one or more learning event reports (See, *for example*, page 12, lines 2-14).

VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues on appeal are whether claims 1-25 are unpatentable over Davies (U.S. Patent Publication No. 2002/0059407) in view of Hermann (U.S. Patent Publication No. 2001/0032259) and further in view of Motoyama (U.S. Patent Publication No. 2004/0049552). As will be discussed below, this Appeal Brief will show that these rejections should be withdrawn, and this application passed to issue.

VIII. APPELLANT'S ARGUMENTS

Appellants respectfully submit that each of the pending claims 1-25 recites subject matter that is not taught, disclosed, or suggested by the cited art. Each of the claims is being argued separately, and thus, each of the claims stands or falls alone.

Claims 1-25 are patentable over Davies, Hermann and Motoyama

i. Claim 1

Claim 1, upon which claims 2-13 are dependent, recites a method of managing one or more local resource properties, each having a value, by one or more managed network devices in a network comprising a network management system and a central data store. The method includes monitoring the value of said one or more local resource properties. The method also includes querying the local resource properties, determining a state, value and quality of the local resource properties and assessing a priority of the local resource properties, generating a learning event report comprising the value and a priority test of the learning event of at least one of the one or more local resource properties, and transmitting the learning event report to the central data store. The value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing. The value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system. A

frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report.

The present application discloses a network resource management system that manages devices operating in a data network. Monitoring is performed periodically to determine if any changes are present, such as, a value of one or more local resource properties of a managed network device. As a result of the monitoring, a learning event report is generated to reflect the detected changes. The report is then transmitted to the central data store to update a network management system. A local resource manager is used to monitor the resource properties. By monitoring resource properties locally, the network is able to conserve resources that would normally be required for frequent polling sessions conducted by a centralized management system.

Page 12, lines 2-15 of the present application provides details of how a priority ranking can be used to determine the frequency of generating and/or transmitting the learning event reports. For example, page 12 recites "In the preferred embodiment, upon receipt of an interrupt signal or other expression of a change in a LRP, the LRM 210 preferably assesses the priority level of the learning event. Higher priority events are affirmed in the prioritizing test 418 used to generate a learning event report 420 that is immediately transmitted 422 to the CDS 208 where learning event report is recorded in the updating step 424. A lesser priority learning event is generally treated comparably to a current LDP value 434 and incorporated in to the periodic learning event report in the reporting step 420. Inclusion of a new switching module or removal of an existing switching module, for example, generally constitute high priority learning events and are, therefore, immediately communicated to the central data store 208. New devices being

connected to the network or a device being removed from the network is a lower priority event. This information can be communicated to the central data store every 15 or 30 seconds, for example."

Claim 1 recites features which reflect the above-noted teachings of the present application. For instance, claim 1 recites "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report." Similar features are recited in independent claims 14 and 21. The Examiner has maintained the position that Motoyama discloses the above-noted features of the pending claims. Appellant submits that the combination of Motoyama, Davies and Hermann does not disclose the features recited in the pending claims.

Page 9 of the Office Action dated March 17, 2011 provided the most recent arguments presented by the Examiner. Specifically, page 9 alleged that paragraphs [0013] and [0089] of Motoyama and an "inherent test" together disclose the features of the pending claims that are admittedly not disclosed in Davies and Hermann. Appellant disagrees and submits that certain features recited in independent claims 1, 14 and 21 are not addressed by the present rejection and are allowable over the combination of Davies, Hermann and Motoyama. Specifically, none of the above-noted references disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Furthermore, Appellant submits that none of the features of claims 1, 14 and 21 are inherent.

Referring to page 10 of the Office Action dated March 17, 2011, the Examiner alleged that "Paragraph 0089 teaches a scenario in which the system transmits weekly or

monthly reports indicating the usage and normal condition state of the machine. However, in the case that a high priority event occurs in which "immediate attention" is needed or an event which is desired on an "expedited basis", it is sent through a connection mode of transmission, independent of the weekly or monthly reports. Motoyama further states that this communication may be used, for example, when a hazardous connection exists within a machine, or if the machine needs immediate attention, such as if a high and unsafe temperature is sensed. All of these examples illustrate urgency and time-sensitivity, and such events would clearly be sent at a frequency determined by their occurrence and priority." Appellant submits that the Examiner's interpretation of Motoyama is incorrect since paragraph [0089] refers to the connection-mode establishment procedure of FIG. 15. Further, paragraph [0091] refers to the non-urgent messaging of FIG. 16 and paragraph [0092] refers to the alleged urgent messaging of FIG. 17.

Referring to Motoyama's description of the drawings "[0033] FIG. 15 is a flowchart illustrating the processing performed when communication is initiated by the device; [0034] FIG. 16 is a flowchart illustrating the processing performed when a non-urgent message is sent from the device; [0035] FIG. 17 is a flowchart illustrating the processing performed when an urgent message is sent from the device."

The alleged urgency disclosed in Motoyama's disclosure, and relied upon by the Examiner in attempting to compare the disclosure of Motoyama to the present claims, is silent from the teachings recited in paragraph [0089]. For example, paragraph [0089] discloses determining if communication is needed and then whether the "event" requires e-mail-mode or a connection-mode of transmission. Motoyama then discloses that "Any

type of high priority event for which immediate attention is needed or which the remote monitoring device would be interested…is sent in a connection-mode of communication." Motoyama then proceeds to disclose examples of high priority events "a high and unsafe temperature" requiring a connection mode of communication since it is more reliable. However, this example only discusses changing connections when a matter is deemed to have a high priority. As for how and when the message is sent is silent from the teachings of paragraph [0089] of Motoyama.

Paragraph [0089] of Motoyama discloses that high priority events are transmitted over a connection-mode of transmission which is more reliable than an e-mail mode of communication. Paragraph [0089] of Motoyama does not disclose of suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21.

Appellant submits that the mere upgrading of the transmission service used to communicate a high priority event (from regular e-mail to "connection-mode" communication) is not comparable to "assessing a priority of the local resource properties…generating a learning event report comprising the value and a priority test of the learning event of at least one of the one or more local resource properties…wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21. Connection-mode is a term used to indicate secure and efficient communication signaling. In other words, the connection-mode may indicate a more reliable communication protocol/medium/channel. However, the

connection-mode of communication is discussed in Motoyama to indicate a different type of medium than the standard "e-mail" used to transfer "weekly or monthly" reports.

Conversely, the present application discloses that a report is generated and the actual decision to send the report is based on a function of the priority. For example, if the priority is related to an urgent matter, the report can be sent immediately as opposed to waiting for a default report uploading schedule. In contrast to the teachings of the present application, Motoyama explicitly recites that the schedule is fixed and only the connection medium is changed (connection-mode vs. e-mail mode). Paragraph [0089] of Motoyama does not disclose or suggest that a report is generated locally and uploaded at a time frequency based on a determined priority of the learning event itself. At best, Motoyama discloses that the priority of an event dictates how a message is sent and not the frequency of when the message is sent.

Paragraph [0013] of Motoyama discloses when urgent service is needed, the network resource may send a status message to the resource manager. Neither paragraphs [0013] nor [0089] alone or together disclose "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Motoyama does not even disclose using a report with prioritized learning events, and certainly not a report that has an upload frequency based on a priority of one or its respective learning events. The Examiner also alleged that Motoyama's event transmission schedule is not fixed and that the Appellant was wrong to assume that Motoyama utilizes a fixed schedule. However, Appellant submits that regardless of whether Motoyama's events are spontaneously sent or sent according to a fixed schedule is unrelated to the

above-noted feature of claims 1, 14 and 21, which recites "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Motoyama does not disclose any event report upload frequency being based on a priority of the learning event part of the event report. Sending an urgent e-mail from a business office device to a resource administrator when a problem exists is not comparable to the subject matter recited in claims 1, 14 and 21.

As noted previously, the Examiner has also relied on paragraphs [0012], [0063], [0081] and [0082] of Motoyama as allegedly disclosing the above-noted features of the pending claims. Appellant maintains the position that these portions of Motoyama's disclosure do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1.

Paragraphs [0012] and [0013] of Motoyama disclose a method of determining problems with network devices, and transmitting messages to a resource manager in an effort to document and seek assistance with resolving the problems. For example, line 5 of paragraph [0013] discloses the network resource may send a status message to the resource manager when urgent service is needed. The network resource may be a network device, printer, copier, etc. The information sent may include usage, paper jams, toner, energy usage, functionality, usage frequency, etc. Appellant submits that paragraphs [0012] and [0013] do not disclose any priority assessment or priority test being performed at all. Nothing is disclosed which provides support for a frequency of uploading the learning report, and, where the frequency of uploading is based on a

priority.

Turning to paragraph [0063] of Motoyama, there is no support for any priority being assessed or a frequency of uploading a learning event being determined based on a priority of a learning event. Motoyama discloses that FIG. 5 includes a network where data 256 is used to document history, performance and malfunctions of device operation, failure, or setup. A service machine 254 may request remote control or diagnostic tests be performed on monitored devices. As for any uploading frequency of learning event reports, Motoyama is silent. No frequency of learning event reports is considered or based on any priority whatsoever.

As for paragraphs [0081] and [0082], Motoyama discloses that summary information may be sent periodically based on predetermined intervals, such as monthly, weekly, etc. The frequency of sending summary reports is not a function of priority, or, a priority that is based on a learning event. Further, priority is not assessed based on local resource properties. Motoyama classifies urgent and non-urgent messages as reports that are predetermined based on one or more categories, such as, urgent = copy machine malfunction, printer malfunction, lack of power, and, non-urgent = usage reports and other administrative information.

There is simply no suggestion or evidence that such classification of messages is tied to a frequency of uploading a report being based on a priority, and, that such a priority is based on a learning event. Motoyama discloses that such messages are sent regardless, and the urgent/non-urgent status is nothing more than a label associated with the message.

Accordingly, all of the claim recitations of claims 1, 14 and 21 are not disclosed or

suggested by the combination of Davies, Hermann and Motoyama. A *prima facie* case of obviousness has not been established. Withdrawal of the rejection and an allowance of claims 1, 14 and 21 is kindly requested.

ii. Claim 2

Claim 2 depends from claim 1 and further limits claim 1. Furthermore, claim 2 recites "the central data store is a directory server." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 2.

For at least this reason it is respectfully requested that the rejection of claim 2 be reversed.

iii. Claim 3

Claim 3 depends from claim 2, which depends from claim 1 and further limits claim 1. Furthermore, claim 3 recites "transmitting the learning event report to the central data store comprises the step of exchanging one or more Lightweight Directory Access Protocol messages." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies,

Hermann and Motoyama also do not disclose the features of claim 3.

For at least this reason it is respectfully requested that the rejection of claim 3 be reversed.

iv. Claim 4

Claim 4 depends from claim 1 and further limits claim 1. Furthermore, claim 4 recites "the one or more local resource properties comprise one or more internal resource properties." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 4.

For at least this reason it is respectfully requested that the rejection of claim 4 be reversed.

v. Claim 5

Claim 5 depends from claim 2, which depends from and further limits claim 1. Furthermore, claim 5 recites "the one or more internal resource properties comprise one or more properties selected from the group consisting of: managed network device hardware configurations including network modules installed; managed network device software installations including the types of software, software version levels, and the date when such information was last updated; and managed network device identity information including device name, serial number of the chassis or primary management

processor, location information, type of device, network interface module name, network interface module slot number, network interface module part number, network interface module hardware revision level, network interface module serial number, and network interface module date of manufacture." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 5.

For at least this reason it is respectfully requested that the rejection of claim 5 be reversed.

vi. Claim 6

Claim 6 depends from claim 1 and further limits claim 1. Furthermore, claim 6 recites "the one or more local resource properties comprise one or more connectivity properties." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 6.

For at least this reason it is respectfully requested that the rejection of claim 6 be reversed.

vii. Claim 7

Claim 7 depends from claim 6, which depends from claim 1 and further limits claim 1. Furthermore, claim 7 recites "the one or more connectivity properties comprise properties selected from the group consisting of: the OSI network model layer 2 and layer 3 addresses of an edge device, identification of the network interface module where the edge device is connected, speed of a port where the edge device is connected, one or more network protocols being used by the edge devices or systems, and an administrative and operational state of the link connecting to the edge device." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 7.

For at least this reason it is respectfully requested that the rejection of claim 7 be reversed.

viii. Claim 8

Claim 8 depends from claim 1 and further limits claim 1. Furthermore, claim 8 recites "the step of monitoring comprises the steps of detecting one or more learning events and periodically polling for a current value of the one or more local resource properties." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim

1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 8.

For at least this reason it is respectfully requested that the rejection of claim 8 be reversed.

ix. Claim 9

Claim 9 depends from claim 8, which depends from claim 1 and further limits claim 1. Furthermore, claim 9 recites "the step of periodically polling comprises the step of polling for the value of the one or more learning event properties at a polling interval between 5 seconds and 5 minutes." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 9.

For at least this reason it is respectfully requested that the rejection of claim 9 be reversed.

x. Claim 10

Claim 10 depends from claim 8, which depends from claim 1 and further limits claim 1. Furthermore, claim 10 recites "the learning event report consists essentially of a value of at least one of the one or more local resource properties different from the value of the at least one of the one or more local resource properties of a preceding learning

event report." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 10.

For at least this reason it is respectfully requested that the rejection of claim 10 be reversed.

xi. Claim 11

Claim 11 depends from claim 8, which depends from claim 1 and further limits claim 1. Furthermore, claim 11 recites "the method further includes, after the step of detecting one or more learning events, assessing the priority of the learning event detected." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 11.

For at least this reason it is respectfully requested that the rejection of claim 11 be reversed.

xii. Claim 12

Claim 12 depends from claim 11, which depends from claim 1 and further limits claim 1. Furthermore, claim 12 recites "the method further includes, after assessing the

priority of the learning event detected, transmitting the learning event report to the central data store substantially immediately." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 12.

For at least this reason it is respectfully requested that the rejection of claim 12 be reversed.

xiii. Claim 13

Claim 13 depends from claim 1 and further limits claim 1. Furthermore, claim 13 recites "prior to monitoring value of one or more local resource properties, the step of acquiring the most recent value of each of the one or more local resource properties from an internal memory when the one or more managed network devices are initialized." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21, as submitted in Section VIII.(i), Davies, Hermann and Motoyama also do not disclose the features of claim 13.

For at least this reason it is respectfully requested that the rejection of claim 13 be reversed.

xiv. Claim 14

Claim 14, upon which claims 15-20 are dependent, recites a managed network device characterized by one or more local resource properties, the managed network device being operatively connected to a network comprising a network management system, one or more managed network devices, and a central data store. The device includes a local resource processor for performing certain operations. The operations may include monitoring the value of one or more local resource properties. Other operations include detecting a change to the one or more local resource properties, querying the local resource properties, determining a state, value and quality of the local resource properties and assessing a priority of the local resource properties. Other operations include generating one or more learning event reports, each learning event report comprising the value of one or more local resource properties, and transmitting the one or more learning event reports to the central data store. The value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing. The value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system. A frequency of uploading the one or more learning event reports is determined based on a priority of each of one or more learning events associated with the one or more learning event reports.

The present application discloses a network resource management system that manages devices operating in a data network. Monitoring is performed periodically to determine if any changes are present, such as, a value of one or more local resource

properties of a managed network device. As a result of the monitoring, a learning event report is generated to reflect the detected changes. The report is then transmitted to the central data store to update a network management system. A local resource manager is used to monitor the resource properties. By monitoring resource properties locally, the network is able to conserve resources that would normally be required for frequent polling sessions conducted by a centralized management system.

Page 12, lines 2-15 of the present application provides details of how a priority ranking can be used to determine the frequency of generating and/or transmitting the learning event reports. For example, page 12 recites "In the preferred embodiment, upon receipt of an interrupt signal or other expression of a change in a LRP, the LRM 210 preferably assesses the priority level of the learning event. Higher priority events are affirmed in the prioritizing test 418 used to generate a learning event report 420 that is immediately transmitted 422 to the CDS 208 where learning event report is recorded in the updating step 424. A lesser priority learning event is generally treated comparably to a current LDP value 434 and incorporated in to the periodic learning event report in the reporting step 420. Inclusion of a new switching module or removal of an existing switching module, for example, generally constitute high priority learning events and are, therefore, immediately communicated to the central data store 208. New devices being connected to the network or a device being removed from the network is a lower priority event. This information can be communicated to the central data store every 15 or 30 seconds, for example."

Claim 14 recites features which reflect the above-noted teachings of the present application. For instance, claim 14 recites "wherein a frequency of uploading the learning

event report is determined based on a priority of a learning event associated with the learning event report." Similar features are recited in independent claims 1 and 21. The Examiner has maintained the position that Motoyama discloses the above-noted features of the pending claims. Appellant submits that the combination of Motoyama, Davies and Hermann does not disclose the features recited in the pending claims.

Page 9 of the Office Action dated March 17, 2011 provided the most recent arguments presented by the Examiner. Specifically, page 9 alleged that paragraphs [0013] and [0089] of Motoyama and an "inherent test" together disclose the features of the pending claims that are admittedly not disclosed in Davies and Hermann. Appellant disagrees and submits that certain features recited in independent claims 1, 14 and 21 are not addressed by the present rejection and are allowable over the combination of Davies, Hermann and Motoyama. Specifically, none of the above-noted references disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Furthermore, Appellant submits that none of the features of claims 1, 14 and 21 are inherent.

Referring to page 10 of the Office Action dated March 17, 2011, the Examiner alleged that "Paragraph 0089 teaches a scenario in which the system transmits weekly or monthly reports indicating the usage and normal condition state of the machine. However, in the case that a high priority event occurs in which "immediate attention" is needed or an event which is desired on an "expedited basis", it is sent through a connection mode of transmission, independent of the weekly or monthly reports. Motoyama further states that this communication may be used, for example, when a

hazardous connection exists within a machine, or if the machine needs immediate attention, such as if a high and unsafe temperature is sensed. All of these examples illustrate urgency and time-sensitivity, and such events would clearly be sent at a frequency determined by their occurrence and priority." Appellant submits that the Examiner's interpretation of Motoyama is incorrect since paragraph [0089] refers to the connection-mode establishment procedure of FIG. 15. Further, paragraph [0091] refers to the non-urgent messaging of FIG. 16 and paragraph [0092] refers to the alleged urgent messaging of FIG. 17.

Referring to Motoyama's description of the drawings "[0033] FIG. 15 is a flowchart illustrating the processing performed when communication is initiated by the device; [0034] FIG. 16 is a flowchart illustrating the processing performed when a non-urgent message is sent from the device; [0035] FIG. 17 is a flowchart illustrating the processing performed when an urgent message is sent from the device."

The alleged urgency disclosed in Motoyama's disclosure, and relied upon by the Examiner in attempting to compare the disclosure of Motoyama to the present claims, is silent from the teachings recited in paragraph [0089]. For example, paragraph [0089] discloses determining if communication is needed and then whether the "event" requires e-mail-mode or a connection-mode of transmission. Motoyama then discloses that "Any type of high priority event for which immediate attention is needed or which the remote monitoring device would be interested…is sent in a connection-mode of communication." Motoyama then proceeds to disclose examples of high priority events "a high and unsafe temperature" requiring a connection mode of communication since it is more reliable. However, this example only discusses changing connections when a matter is deemed to

have a high priority. As for how and when the message is sent is silent from the teachings of paragraph [0089] of Motoyama.

Paragraph [0089] of Motoyama discloses that high priority events are transmitted over a connection-mode of transmission which is more reliable than an e-mail mode of communication. Paragraph [0089] of Motoyama does not disclose of suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21.

Appellant submits that the mere upgrading of the transmission service used to communicate a high priority event (from regular e-mail to "connection-mode" communication) is not comparable to "assessing a priority of the local resource properties…generating a learning event report comprising the value and a priority test of the learning event of at least one of the one or more local resource properties…wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 14 and similarly recited in claims 1 and 21. Connection-mode is a term used to indicate secure and efficient communication signaling. In other words, the connection-mode may indicate a more reliable communication protocol/medium/channel. However, the connection-mode of communication is discussed in Motoyama to indicate a different type of medium than the standard "e-mail" used to transfer "weekly or monthly" reports.

Conversely, the present application discloses that a report is generated and the actual decision to send the report is based on a function of the priority. For example, if the priority is related to an urgent matter, the report can be sent immediately as opposed to

waiting for a default report uploading schedule. In contrast to the teachings of the present application, Motoyama explicitly recites that the schedule is fixed and only the connection medium is changed (connection-mode vs. e-mail mode). Paragraph [0089] of Motoyama does not disclose or suggest that a report is generated locally and uploaded at a time frequency based on a determined priority of the learning event itself. At best, Motoyama discloses that the priority of an event dictates how a message is sent and not the frequency of when the message is sent.

Paragraph [0013] of Motoyama discloses when urgent service is needed, the network resource may send a status message to the resource manager. Neither paragraphs [0013] nor [0089] alone or together disclose "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Motoyama does not even disclose using a report with prioritized learning events, and certainly not a report that has an upload frequency based on a priority of one or its respective learning events. The Examiner also alleged that Motoyama's event transmission schedule is not fixed and that the Appellant was wrong to assume that Motoyama utilizes a fixed schedule. However, Appellant submits that regardless of whether Motoyama's events are spontaneously sent or sent according to a fixed schedule is unrelated to the above-noted feature of claims 1, 14 and 21, which recites "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Motoyama does not disclose any event report upload frequency being based on a priority of the learning event part of the event report. Sending an urgent e-mail from a business office

device to a resource administrator when a problem exists is not comparable to the subject matter recited in claims 1, 14 and 21.

As noted previously, the Examiner has also relied on paragraphs [0012], [0063], [0081] and [0082] of Motoyama as allegedly disclosing the above-noted features of the pending claims. Appellant maintains the position that these portions of Motoyama's disclosure do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 14.

Paragraphs [0012] and [0013] of Motoyama disclose a method of determining problems with network devices, and transmitting messages to a resource manager in an effort to document and seek assistance with resolving the problems. For example, line 5 of paragraph [0013] discloses the network resource may send a status message to the resource manager when urgent service is needed. The network resource may be a network device, printer, copier, etc. The information sent may include usage, paper jams, toner, energy usage, functionality, usage frequency, etc. Appellant submits that paragraphs [0012] and [0013] do not disclose any priority assessment or priority test being performed at all. Nothing is disclosed which provides support for a frequency of uploading the learning report, and, where the frequency of uploading is based on a priority.

Turning to paragraph [0063] of Motoyama, there is no support for any priority being assessed or a frequency of uploading a learning event being determined based on a priority of a learning event. Motoyama discloses that FIG. 5 includes a network where data 256 is used to document history, performance and malfunctions of device operation,

failure, or setup. A service machine 254 may request remote control or diagnostic tests be performed on monitored devices. As for any uploading frequency of learning event reports, Motoyama is silent. No frequency of learning event reports is considered or based on any priority whatsoever.

As for paragraphs [0081] and [0082], Motoyama discloses that summary information may be sent periodically based on predetermined intervals, such as monthly, weekly, etc. The frequency of sending summary reports is not a function of priority, or, a priority that is based on a learning event. Further, priority is not assessed based on local resource properties. Motoyama classifies urgent and non-urgent messages as reports that are predetermined based on one or more categories, such as, urgent = copy machine malfunction, printer malfunction, lack of power, and, non-urgent = usage reports and other administrative information.

There is simply no suggestion or evidence that such classification of messages is tied to a frequency of uploading a report being based on a priority, and, that such a priority is based on a learning event. Motoyama discloses that such messages are sent regardless, and the urgent/non-urgent status is nothing more than a label associated with the message.

Accordingly, all of the claim recitations of claims 1, 14 and 21 are not disclosed or suggested by the combination of Davies, Hermann and Motoyama. A *prima facie* case of obviousness has not been established. Withdrawal of the rejection and an allowance of claims 1, 14 and 21 is kindly requested.

xv. Claim 15

Claim 15 depends from claim 14 and further limits claim 14. Furthermore, claim 15 recites "the central data store is a directory server enabled to exchange one or more Lightweight Directory Access Protocol messages." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 14 and similarly recited in claims 1 and 21, as submitted in Section VIII.(xiv), Davies, Hermann and Motoyama also do not disclose the features of claim 15.

For at least this reason it is respectfully requested that the rejection of claim 15 be reversed.

xvi. Claim 16

Claim 16 depends from claim 14 and further limits claim 14. Furthermore, claim 16 recites "the one or more local resource properties comprise internal resource properties." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 14 and similarly recited in claims 1 and 21, as submitted in Section VIII.(xiv), Davies, Hermann and Motoyama also do not disclose the features of claim 16.

For at least this reason it is respectfully requested that the rejection of claim 16 be reversed.

xvii. Claim 17

Claim 17 depends from claim 16, which depends from claim 14 and further limits claim 14. Furthermore, claim 17 recites "the one or more internal resource properties comprise one or more properties selected from the group consisting of: managed network device hardware configurations including network modules installed; managed network device software installations including the types of software, software version levels, and the date when such information was last updated; and managed network device identity information including device name, serial number of the chassis or primary management processor, location information, type of device, network interface module name, network interface module slot number, network interface module part number, network interface module hardware revision level, network interface module serial number, and network interface module date of manufacture." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 14 and similarly recited in claims 1 and 21, as submitted in Section VIII.(xiv), Davies, Hermann and Motoyama also do not disclose the features of claim 17.

For at least this reason it is respectfully requested that the rejection of claim 17 be reversed.

xviii. Claim 18

Claim 18 depends from claim 14 and further limits claim 14. Furthermore, claim 18 recites "the one or more local resource properties comprise one or more connectivity properties." Because Davies, Hermann and Motoyama do not disclose or suggest

"wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 14 and similarly recited in claims 1 and 21, as submitted in Section VIII.(xiv), Davies, Hermann and Motoyama also do not disclose the features of claim 18.

For at least this reason it is respectfully requested that the rejection of claim 18 be reversed.

xix. Claim 19

Claim 19 depends from claim 18, which depends from and further limits claim 14. Furthermore, claim 19 recites "the one or more connectivity properties comprise properties selected from the group consisting of: the OSI network model layer 2 and layer 3 addresses of an edge device, identification of the network interface module where the edge device is connected, speed of a port where the edge device is connected, one or more network protocols being used by the edge devices or systems, and an administrative and operational state of the link connecting to the edge device." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 14 and similarly recited in claims 1 and 21, as submitted in Section VIII.(xiv), Davies, Hermann and Motoyama also do not disclose the features of claim 19.

For at least this reason it is respectfully requested that the rejection of claim 19 be reversed.

xx. Claim 20

Claim 20 depends from and further limits claim 14. Furthermore, claim 20 recites "the managed network device is a switching device further comprising: (a) a plurality of network interface modules; (b) one or more packet processors for performing packet parsing and ingress packet processing necessary to perform switching routing; and (c) one or more memory devices for retaining one or more rules sets for switching and routing." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 14 and similarly recited in claims 1 and 21, as submitted in Section VIII.(xiv), Davies, Hermann and Motoyama also do not disclose the features of claim 20.

For at least this reason it is respectfully requested that the rejection of claim 20 be reversed.

xxi. Claim 21

Claim 21, upon which claims 22-24 are dependent, recites an asynchronous network resource management system. The system includes at least one central data store, one or more local resource properties, each having a value and a plurality of managed network devices. The managed network devices are adapted to monitor the value of each of the one or more local resource properties, query the local resource properties, determine a state, the value and quality of the local resource properties and assess a priority of the local resource properties. The managed network devices are also configured to transmit the value of each of the one or more local resource properties to

the at least one central data store. The system also includes at least one network management system adapted to retrieve the value of each of the one or more local resource properties from the at least one central data store. The value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system. A frequency of uploading the one or more learning event reports is determined based on a priority of each of one or more learning events associated with the one or more learning event reports.

The present application discloses a network resource management system that manages devices operating in a data network. Monitoring is performed periodically to determine if any changes are present, such as, a value of one or more local resource properties of a managed network device. As a result of the monitoring, a learning event report is generated to reflect the detected changes. The report is then transmitted to the central data store to update a network management system. A local resource manager is used to monitor the resource properties. By monitoring resource properties locally, the network is able to conserve resources that would normally be required for frequent polling sessions conducted by a centralized management system.

Page 12, lines 2-15 of the present application provides details of how a priority ranking can be used to determine the frequency of generating and/or transmitting the learning event reports. For example, page 12 recites "In the preferred embodiment, upon receipt of an interrupt signal or other expression of a change in a LRP, the LRM 210 preferably assesses the priority level of the learning event. Higher priority events are affirmed in the prioritizing test 418 used to generate a learning event report 420 that is

immediately transmitted 422 to the CDS 208 where learning event report is recorded in the updating step 424. A lesser priority learning event is generally treated comparably to a current LDP value 434 and incorporated in to the periodic learning event report in the reporting step 420. Inclusion of a new switching module or removal of an existing switching module, for example, generally constitute high priority learning events and are, therefore, immediately communicated to the central data store 208. New devices being connected to the network or a device being removed from the network is a lower priority event. This information can be communicated to the central data store every 15 or 30 seconds, for example."

Claim 21 recites features which reflect the above-noted teachings of the present application. For instance, claim 21 recites "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report." Similar features are recited in independent claims 1 and 21. The Examiner has maintained the position that Motoyama discloses the above-noted features of the pending claims. Appellant submits that the combination of Motoyama, Davies and Hermann does not disclose the features recited in the pending claims.

Page 9 of the Office Action dated March 17, 2011 provided the most recent arguments presented by the Examiner. Specifically, page 9 alleged that paragraphs [0013] and [0089] of Motoyama and an "inherent test" together disclose the features of the pending claims that are admittedly not disclosed in Davies and Hermann. Appellant disagrees and submits that certain features recited in independent claims 1, 14 and 21 are not addressed by the present rejection and are allowable over the combination of Davies, Hermann and Motoyama. Specifically, none of the above-noted references

disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Furthermore, Appellant submits that none of the features of claims 1, 14 and 21 are inherent.

Referring to page 10 of the Office Action dated March 17, 2011, the Examiner alleged that "Paragraph 0089 teaches a scenario in which the system transmits weekly or monthly reports indicating the usage and normal condition state of the machine. However, in the case that a high priority event occurs in which "immediate attention" is needed or an event which is desired on an "expedited basis", it is sent through a connection mode of transmission, independent of the weekly or monthly reports. Motoyama further states that this communication may be used, for example, when a hazardous connection exists within a machine, or if the machine needs immediate attention, such as if a high and unsafe temperature is sensed. All of these examples illustrate urgency and time-sensitivity, and such events would clearly be sent at a frequency determined by their occurrence and priority." Appellant submits that the Examiner's interpretation of Motoyama is incorrect since paragraph [0089] refers to the connection-mode establishment procedure of FIG. 15. Further, paragraph [0091] refers to the non-urgent messaging of FIG. 16 and paragraph [0092] refers to the alleged urgent messaging of FIG. 17.

Referring to Motoyama's description of the drawings "[0033] FIG. 15 is a flowchart illustrating the processing performed when communication is initiated by the device; [0034] FIG. 16 is a flowchart illustrating the processing performed when a non-urgent message is sent from the device; [0035] FIG. 17 is a flowchart illustrating the processing

performed when an urgent message is sent from the device."

The alleged urgency disclosed in Motoyama's disclosure, and relied upon by the Examiner in attempting to compare the disclosure of Motoyama to the present claims, is silent from the teachings recited in paragraph [0089]. For example, paragraph [0089] discloses determining if communication is needed and then whether the "event" requires e-mail-mode or a connection-mode of transmission. Motoyama then discloses that "Any type of high priority event for which immediate attention is needed or which the remote monitoring device would be interested…is sent in a connection-mode of communication." Motoyama then proceeds to disclose examples of high priority events "a high and unsafe temperature" requiring a connection mode of communication since it is more reliable. However, this example only discusses changing connections when a matter is deemed to have a high priority. As for how and when the message is sent is silent from the teachings of paragraph [0089] of Motoyama.

Paragraph [0089] of Motoyama discloses that high priority events are transmitted over a connection-mode of transmission which is more reliable than an e-mail mode of communication. Paragraph [0089] of Motoyama does not disclose of suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21.

Appellant submits that the mere upgrading of the transmission service used to communicate a high priority event (from regular e-mail to "connection-mode" communication) is not comparable to "assessing a priority of the local resource properties…generating a learning event report comprising the value and a priority test of

the learning event of at least one of the one or more local resource properties…wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 21 and similarly recited in claims 1 and 14. Connection-mode is a term used to indicate secure and efficient communication signaling. In other words, the connection-mode may indicate a more reliable communication protocol/medium/channel. However, the connection-mode of communication is discussed in Motoyama to indicate a different type of medium than the standard "e-mail" used to transfer "weekly or monthly" reports.

Conversely, the present application discloses that a report is generated and the actual decision to send the report is based on a function of the priority. For example, if the priority is related to an urgent matter, the report can be sent immediately as opposed to waiting for a default report uploading schedule. In contrast to the teachings of the present application, Motoyama explicitly recites that the schedule is fixed and only the connection medium is changed (connection-mode vs. e-mail mode). Paragraph [0089] of Motoyama does not disclose or suggest that a report is generated locally and uploaded at a time frequency based on a determined priority of the learning event itself. At best, Motoyama discloses that the priority of an event dictates how a message is sent and not the frequency of when the message is sent.

Paragraph [0013] of Motoyama discloses when urgent service is needed, the network resource may send a status message to the resource manager. Neither paragraphs [0013] nor [0089] alone or together disclose "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Motoyama

does not even disclose using a report with prioritized learning events, and certainly not a report that has an upload frequency based on a priority of one or its respective learning events. The Examiner also alleged that Motoyama's event transmission schedule is not fixed and that the Appellant was wrong to assume that Motoyama utilizes a fixed schedule. However, Appellant submits that regardless of whether Motoyama's events are spontaneously sent or sent according to a fixed schedule is unrelated to the above-noted feature of claims 1, 14 and 21, which recites "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claims 1, 14 and 21. Motoyama does not disclose any event report upload frequency being based on a priority of the learning event part of the event report. Sending an urgent e-mail from a business office device to a resource administrator when a problem exists is not comparable to the subject matter recited in claims 1, 14 and 21.

As noted previously, the Examiner has also relied on paragraphs [0012], [0063], [0081] and [0082] of Motoyama as allegedly disclosing the above-noted features of the pending claims. Appellant maintains the position that these portions of Motoyama's disclosure do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 21.

Paragraphs [0012] and [0013] of Motoyama disclose a method of determining problems with network devices, and transmitting messages to a resource manager in an effort to document and seek assistance with resolving the problems. For example, line 5 of paragraph [0013] discloses the network resource may send a status message to the

resource manager when urgent service is needed. The network resource may be a network device, printer, copier, etc. The information sent may include usage, paper jams, toner, energy usage, functionality, usage frequency, etc. Appellant submits that paragraphs [0012] and [0013] do not disclose any priority assessment or priority test being performed at all. Nothing is disclosed which provides support for a frequency of uploading the learning report, and, where the frequency of uploading is based on a priority.

Turning to paragraph [0063] of Motoyama, there is no support for any priority being assessed or a frequency of uploading a learning event being determined based on a priority of a learning event. Motoyama discloses that FIG. 5 includes a network where data 256 is used to document history, performance and malfunctions of device operation, failure, or setup. A service machine 254 may request remote control or diagnostic tests be performed on monitored devices. As for any uploading frequency of learning event reports, Motoyama is silent. No frequency of learning event reports is considered or based on any priority whatsoever.

As for paragraphs [0081] and [0082], Motoyama discloses that summary information may be sent periodically based on predetermined intervals, such as monthly, weekly, etc. The frequency of sending summary reports is not a function of priority, or, a priority that is based on a learning event. Further, priority is not assessed based on local resource properties. Motoyama classifies urgent and non-urgent messages as reports that are predetermined based on one or more categories, such as, urgent = copy machine malfunction, printer malfunction, lack of power, and, non-urgent = usage reports and other administrative information.

There is simply no suggestion or evidence that such classification of messages is tied to a frequency of uploading a report being based on a priority, and, that such a priority is based on a learning event. Motoyama discloses that such messages are sent regardless, and the urgent/non-urgent status is nothing more than a label associated with the message.

Accordingly, all of the claim recitations of claims 1, 14 and 21 are not disclosed or suggested by the combination of Davies, Hermann and Motoyama. A *prima facie* case of obviousness has not been established. Withdrawal of the rejection and an allowance of claims 1, 14 and 21 is kindly requested.

xxii. Claim 22

Claim 22 depends from and further limits claim 21. Furthermore, claim 22 recites "the one or more local resource properties comprise internal resource properties." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 21 and similarly recited in claims 1 and 14, as submitted in Section VIII.(xxi), Davies, Hermann and Motoyama also do not disclose the features of claim 22.

For at least this reason it is respectfully requested that the rejection of claim 22 be reversed.

xxiii. Claim 23

Claim 23 depends from and further limits claim 21. Furthermore, claim 23 recites

"the one or more internal resource properties comprise one or more properties selected from the group consisting of: managed network device hardware configurations including network modules installed; managed network device software installations including the types of software, software version levels, and the date when such information was last updated; and managed network device identity information including device name, serial number of the chassis or primary management processor, location information, type of device, network interface module name, network interface module slot number, network interface module part number, network interface module hardware revision level, network interface module serial number, and network interface module date of manufacture." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 21 and similarly recited in claims 1 and 14, as submitted in Section VIII.(xxi), Davies, Hermann and Motoyama also do not disclose the features of claim 23.

For at least this reason it is respectfully requested that the rejection of claim 23 be reversed.

xxiv. Claim 24

Claim 24 depends from and further limits claim 21. Furthermore, claim 24 recites "the one or more local resource properties comprise one or more connectivity properties." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 21 and

similarly recited in claims 1 and 14, as submitted in Section VIII.(xxi), Davies, Hermann and Motoyama also do not disclose the features of claim 24.

For at least this reason it is respectfully requested that the rejection of claim 24 be reversed.

xxv. Claim 25

Claim 25 depends from claim 24, which depends from and further limits claim 21. Furthermore, claim 25 recites "the one or more connectivity properties comprise properties selected from the group consisting of: the OSI network model layer 2 and layer 3 addresses of an edge device, identification of the network interface module where the edge device is connected, speed of a port where the edge device is connected, one or more network protocols being used by the edge devices or systems, and an administrative and operational state of the link connecting to the edge device." Because Davies, Hermann and Motoyama do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 21 and similarly recited in claims 1 and 14, as submitted in Section VIII.(xxi), Davies, Hermann and Motoyama also do not disclose the features of claim 25.

For at least this reason it is respectfully requested that the rejection of claim 25 be reversed.

IX. CONCLUSION

For all of the above noted reasons, it is strongly contended that certain clear differences exist between the present invention as claimed in claims 1-25 and the prior art relied upon by the Examiner. It is further contended that these differences are more than sufficient that the present invention would not have been obvious to a person having ordinary skill in the art at the time the invention was made.

This final rejection being in error, therefore, it is respectfully requested that this honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of application claims 1-25.

In the event that this paper is not being timely filed, the Appellant respectfully petitions for an appropriate extension of time.

Respectfully submitted,

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Encls: Appendix 1 - Claims on Appeal
Appendix 2 - Evidence
Appendix 3 - Related Proceedings

APPENDIX 1

CLAIMS ON APPEAL

1. (Previously Presented) A method of managing one or more local resource properties, each having a value, by one or more managed network devices in a network comprising a network management system and a central data store, the method comprising the steps of:
   (a) monitoring the value of said one or more local resource properties;
   (b) querying the local resource properties, determining a state, value and quality of the local resource properties and assessing a priority of the local resource properties;
   (c) generating a learning event report comprising the value and a priority test of the learning event of at least one of the one or more local resource properties; and
   (d) transmitting the learning event report to the central data store, wherein the value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing, wherein the value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system, wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report.

2. (Original) The method of claim 1, wherein the central data store is a directory server.

3. (Original) The method of claim 2, wherein the step of transmitting the learning event report to the central data store comprises the step of exchanging one or more Lightweight Directory Access Protocol messages.

4. (Original) The method of claim 1, wherein the one or more local resource properties comprise one or more internal resource properties.

5. (Original) The method of claim 2, wherein the one or more internal resource properties comprise one or more properties selected from the group consisting of: managed network device hardware configurations including network modules installed; managed network device software installations including the types of software, software version levels, and the date when such information was last updated; and managed network device identity information including device name, serial number of the chassis or primary management processor, location information, type of device, network interface module name, network interface module slot number, network interface module part number, network interface module hardware revision level, network interface module serial number, and network interface module date of manufacture.

6. (Original) The method of claim 1, wherein the one or more local resource properties comprise one or more connectivity properties.

7. (Original) The method of claim 6, wherein the one or more connectivity properties comprise properties selected from the group consisting of: the OSI network model layer 2 and layer 3 addresses of an edge device, identification of the network interface module where the edge device is connected, speed of a port where the edge device is connected, one or more network protocols being used by the edge devices or systems, and an administrative and operational state of the link connecting to the edge device.

8. (Original) The method of claim 1, wherein the step of monitoring comprises the steps of detecting one or more learning events and periodically polling for a current value of the one or more local resource properties.

9. (Original) The method of claim 8, wherein the step of periodically polling comprises the step of polling for the value of the one or more learning event properties at a polling interval between 5 seconds and 5 minutes.

10. (Original) The method of claim 8, wherein the learning event report consists essentially of a value of at least one of the one or more local resource properties different from the value of the at least one of the one or more local resource properties of a preceding learning event report.

11. (Original) The method of claim 8, wherein the method further includes, after the step of detecting one or more learning events, assessing the priority of the learning event detected.

12. (Original) The method of claim 11, wherein the method further includes, after assessing the priority of the learning event detected, transmitting the learning event report to the central data store substantially immediately.

13. (Original) The method of claim 1, wherein the method further includes, prior to monitoring value of one or more local resource properties, the step of acquiring the most recent value of each of the one or more local resource properties from an internal memory when the one or more managed network devices are initialized.

14. (Previously Presented) A managed network device characterized by one or more local resource properties, the managed network device being operatively connected to a network comprising a network management system, one or more managed network devices, and a central data store, the device comprising a local resource processor for:
    (a) monitoring the value of one or more local resource properties;
    (b) detecting a change to the one or more local resource properties;
    (c) querying the local resource properties, determining a state, value and quality of

the local resource properties and assessing a priority of the local resource properties;

(d) generating one or more learning event reports, each learning event report comprising the value of one or more local resource properties; and

(e) transmitting the one or more learning event reports to the central data store; wherein the value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing, wherein the value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system, wherein a frequency of uploading the one or more learning event reports is determined based on a priority of each of one or more learning events associated with the one or more learning event reports.

15. (Original) The managed network device of claim 14, wherein the central data store is a directory server enabled to exchange one or more Lightweight Directory Access Protocol messages.

16. (Original) The managed network device of claim 14, wherein the one or more local resource properties comprise internal resource properties.

17. (Original) The managed network device of claim 16, wherein the one or more internal resource properties comprise one or more properties selected from the group consisting of: managed network device hardware configurations including network modules installed; managed network device software installations including the types of software, software version levels, and the date when such information was last updated; and managed network device identity information including device name, serial number of the chassis or primary management processor, location information, type of device, network interface module name, network interface module slot

number, network interface module part number, network interface module hardware revision level, network interface module serial number, and network interface module date of manufacture.

18. (Original) The managed network device of claim 14, wherein the one or more local resource properties comprise one or more connectivity properties.

19. (Original) The managed network device of claim 18, wherein the one or more connectivity properties comprise properties selected from the group consisting of: the OSI network model layer 2 and layer 3 addresses of an edge device, identification of the network interface module where the edge device is connected, speed of a port where the edge device is connected, one or more network protocols being used by the edge devices or systems, and an administrative and operational state of the link connecting to the edge device.

20. (Original) The managed network device of claim 14, wherein the managed network device is a switching device further comprising:
    (a) a plurality of network interface modules;
    (b) one or more packet processors for performing packet parsing and ingress packet processing necessary to perform switching routing; and
    (c) one or more memory devices for retaining one or more rules sets for switching and routing.

21. (Previously Presented) A asynchronous network resource management system comprising:
    (a) at least one central data store;
    (b) one or more local resource properties, each having a value;
    a plurality of managed network devices adapted to monitor the value of each of the one or more local resource properties, query the local resource properties, determine a state, the value and quality of the local resource properties and

assessing a priority of the local resource properties;

(c) and transmit the value of each of the one or more local resource properties to the at least one central data store; and

(d) at least one network management system adapted to retrieve the value of each of the one or more local resource properties from the at least one central data store, wherein the value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system, wherein a frequency of uploading the one or more learning event reports is determined based on a priority of each of one or more learning events associated with the one or more learning event reports.

22. (Original) The asynchronous network resource management system of claim 21, wherein the one or more local resource properties comprise internal resource properties.

23. (Original) The asynchronous network resource management system of claim 21, wherein the one or more internal resource properties comprise one or more properties selected from the group consisting of: managed network device hardware configurations including network modules installed; managed network device software installations including the types of software, software version levels, and the date when such information was last updated; and managed network device identity information including device name, serial number of the chassis or primary management processor, location information, type of device, network interface module name, network interface module slot number, network interface module part number, network interface module hardware revision level, network interface module serial number, and network interface module date of manufacture.

24. (Original) The asynchronous network resource management system of claim 21, wherein the one or more local resource properties comprise one or more connectivity properties.

25. (Original) The asynchronous network resource management system of claim 24, wherein the one or more connectivity properties comprise properties selected from the group consisting of: the OSI network model layer 2 and layer 3 addresses of an edge device, identification of the network interface module where the edge device is connected, speed of a port where the edge device is connected, one or more network protocols being used by the edge devices or systems, and an administrative and operational state of the link connecting to the edge device.

26.-27. (Canceled)

APPENDIX 2

EVIDENCE APPENDIX

No evidence under section 37 C.F.R. 1.130, 1.131, or 1.132 has been entered or will be relied upon by Appellants in this appeal.

APPENDIX 3

RELATED PROCEEDINGS APPENDIX

No decisions of the Board or of any court have been identified under 37 C.F.R. §41.37(c)(1)(ii).